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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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LANDESBANK BERLIN INVESTMENT GMBH,  
Individually and on Behalf of All Others Similarly  
Situated,

Plaintiff,

: Civil Action No. 09-CV-01099  
: (DMC)

: ECF CASE

- against -

SCHERING-PLOUGH CORPORATION, HANS W.  
BECHERER, THOMAS J. COLLIGAN, FRED  
HASSAN, C. ROBERT KIDDER, EUGENE R.  
MCGRATH, CARL E. MUNDY, JR., ANTONIO M.  
PEREZ, PATRICIA F. RUSSO, JACK L. STAHL, DR.  
CRAIG B. THOMPSON, KATHRYN C. TURNER,  
ROBERT F.W. VAN OORDT, ARTHUR F.  
WEINBACH, MERCK & CO., INC., BLUE, INC., AND  
PURPLE, INC.,

Defendants.

: STIPULATION AND ORDER  
: EXTENDING TIME TO  
: ANSWER, MOVE, OR  
: OTHERWISE RESPOND

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WHEREAS, this action was filed on March 10, 2009, naming as defendant, among others: Merck & Co., Inc. (“Merck”), Blue, Inc., and Purple, Inc. (collectively the “non Schering-Plough Defendants”).

WHEREAS, Plaintiff contends that the complaint was served on Merck on March 13, 2009, and counsel for Merck will accept service on behalf of the non Schering-Plough Defendants as of the date this stipulation is “so ordered” by the Court;

WHEREAS, Merck has previously sought one extension of time to move, answer, or otherwise respond to the complaint through April 17, 2009 pursuant to Local Civ. R. 6.1(b);

WHEREAS, on March 25, 2009, Landesbank Berlin Investment GMBH and Louisiana Municipal Police Employees Retirement System (collectively the “Institutional

Investor Group") filed a motion to: (i) consolidate the above-captioned action with *Husarsky v. Schering-Plough Corp., et al.* (Civil Action No. 09-CV-01244) and *Louisiana Municipal Police Employees Retirement System v. Schering-Plough Corp., et al.* (Civil Action No. 09-CV-1247); (ii) appoint the Institutional Investor Group as Lead Plaintiff; and (iii) approve the Institutional Investor Group's selection of counsel for the class as co-Lead Counsel and co-Liaison Counsel;

IT IS HEREBY STIPULATED AND AGREED, among the undersigned counsel for Plaintiff and counsel for Merck, that the time for the non Schering-Plough Defendants to answer, move, or otherwise respond to the complaint shall be extended to the later of (a) thirty (30) days from the filing of a consolidated amended complaint in the captioned action; or (b) thirty (30) days from the date of an order of this Court denying a motion to consolidate. However, Counsel agree that nothing herein should be construed to waive Plaintiff's right to seek to negotiate or petition the Court for a modification of the schedule if circumstances in the litigation change, or to waive Defendants' right to oppose or otherwise respond to such a petition. Further, the parties agree that this Stipulation and Order does not preclude Plaintiff from moving the Court for expedited discovery, or preclude Defendants from opposing or otherwise responding to any such application for expedited discovery made by Plaintiff.

Dated: April 6, 2009

**DAY PITNEY LLP**

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*Attorneys for Plaintiff  
Landesbank Berlin Investment GMBH*

IT IS SO ORDERED:



Judge Dennis M. Cavanaugh

Date: April 8, 2009